IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7351 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KARANSINH M BIHOLA
Versus
AHMEDABAD MUNICIPAL CORPORATION AND OTHERS

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Appearance :
MR ASHOK N PARMAR for the Petitioner
MR HS MUNSHAW for Respondent No.1
RULE SERVED for Respondent(s) : 2 - 4.
GOVERNMENT PLEADER for Respondent(s) : 5,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 13/04/2007

ORAL JUDGMENT:

While admitting this petition on 11.10.2001 the learned Single Judge of this Court had directed the municipal corporation to release the

truck of the petitioner and the goods seized forthwith. It is not in dispute that the said order was duly complied with.

Broadly stated, the petitioner had approached this Court at a stage when his truck and the goods contained in the truck were detained by the Corporation. Though there is some dispute about the exact amount of octroi payable by the petitioner on the said goods, the petitioner had already paid a sum of Rs.75,000/- towards octroi to the Corporation when the petitioner had approached this Court for releasing the goods. Learned advocate, Mr Munshaw for the Corporation states that the Corporation has no further recovery to be made towards the octroi duty. He submitted that the truck and the goods were not released despite payment of octroi since the Corporation had received some communications from the Sales Tax and Excise Department of possible non-payment of such taxes. Be that as it may, no further action appears to have been initiated by such departments. So far as the Corporation is concerned, it claims no further octroi duty from the petitioner. The truck and the goods have been duly released pursuant to the interim direction given by this Court. Nothing further therefore requires to be done in this petition.

Learned advocate, Shri Parmar, however, submitted that the petitioner was compelled to pay octroi of Rs.75,000/- as against his liability of Rs.25,000/-. He submitted that the valuation fixed by the Corporation is improper. In a writ petition such disputed questions cannot be gone into. If the petitioner has any dispute about the excessive recovery of octroi, it would be open for him to take appropriate legal steps as may be available under law.

Subject to above observations and directions this petition is disposed of. Rule is discharged. No order as to costs.

(Akil Kureshi, J.)

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